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October 5, 2006

So Ordered:
DAVID N. HURD
United States District Judge
Dated: 10-6-06
Utica, New York

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED
OCT 06 2006
LAWRENCE K. BAERMAN, Clerk
UTICA

Via-E-File

The Honorable David N. Hurd
Alexander Pirnie Federal Building, Room 300
10 Broad Street
Utica, New York 13501

Re: Priddis Music, Inc. v. Trans World Entertainment Corporation
Civil Action Number: 05-cv-0491

Dear Judge Hurd:

I write to memorialize the conversation I had this morning with Courtroom Deputy Clerk Craig Minor of your chambers regarding the schedule in the above-referenced matter. It is my understanding that Magistrate Judge Homer's May 11, 2006 Order amending the scheduling order to set October 15, 2006 as the "Trial Ready" date notwithstanding, in light of the filing of a dispositive motion by defendant, the Court will reestablish a Trial Ready date after the resolution of the motion. It is also my understanding that the Court is not, at this time, expecting the party's respective pre-trial submissions including the court ordered voir dire, proposed voir dire, letter briefs concerning evidentiary issues, trial brief, requests to charge, and the joint pretrial stipulation. Likewise, the Court is not expecting that exhibit lists and exhibits be prepared at this time. Rather, the Court will set a schedule for these matters after it renders a decision on the pending motion.

Thank you for your consideration. If you have any questions or if this letter does not accurately summarize the status of the schedule in this matter, please contact me at the Court's earliest convenience.

Respectfully submitted,

/s/ Michael J. Hall

MJH:jmv

cc: Robert Tietjen, Esq.
Michael Endler, Esq.

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